

Simon Garlick

Barrister



Year Of Call:

2017

Overview

Simon specialises in Court of Protection personal welfare casework and community care cases.

He qualified as a solicitor in 1985 and until January 2017 was head of the community care and public law team at Ben Hoare Bell Solicitors in Newcastle and Sunderland.

In 2017 Simon decided to convert to the bar to allow him to concentrate further on his specialist areas.

As a solicitor Simon had many years' experience of representing 'P' (the person lacking capacity) on the instructions of the Official Solicitor, or family members of P in Court of Protection proceedings before District, Circuit and High Court Judges.

He has been involved in many significant Court of Protection cases including reported cases such as:

Local Authority v MM [2010] COP (a successful application on the part of P's partner for a declaration that his and P's Article 8 ECHR rights were breached by a local authority's delay in assessment of capacity leading to suspension of contact between P and her partner)

WBC v Z and others [2016] EW COP4 (a dispute about P's capacity)

During his career practicing public law and community care work Simon has been involved in several judicial review cases, including:

R (Kiana) v Newcastle City Council and SSHD [2011] EWHC 2673 (Admin) and [2011] EWCA Civ 671 (on the Secretary of State for the Home Department's duties under Section 4 IAA 1999 (accommodation of failed asylum seekers))

R (Salih and Parsipoor) v SSHD [2011] EWCA Civ 276 (on the powers of the administrative court to decide a judicial review case which had permission to proceed on the papers, without consent of one party)

R (Ben Hoare Bell and others) v LC [2015] EWHC 523 (Admin) (a challenge brought by a number of public law legal aid firms to changes to legal aid costs provisions in relation to judicial review proceedings)

Practice Areas

[Court of Protection
and Mental Health](#)

[Family](#)

continued....

R (JG) v Kent County Council [2016] EWHC 1102 (Admin) (instructed by the Official Solicitor on behalf of a child in respect of whom challenges were brought against the Council for breaches of duty under the Children Act 1989 and education law provisions.

Since Simon's appointment in 2011 to the Social Entitlement Chamber he has regularly sat as a part-time Tribunal Judge adjudicating, with colleagues, on disability benefit appeals.

He has chaired a panel in 2 Independent Inquiries (convened by Strategic Health Authorities) into the health care and treatment of mental health patients who were subsequently convicted of unlawful killing

He is a contributing author of the sixth edition of Luke Clements 'Community Care and the Law' (April 2017).

For many years Simon was an independent peer reviewer appointed to assess the quality of legally aided community care casework carried out by solicitors' firms.

He is joint author of the quarterly Community Care law update of the LAG (Legal Action Group) magazine.